

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:) Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, *et al.*,) Chapter 11
Debtors.) Jointly Administered
)

**ORDER RE FUTURE PROCEEDINGS CONCERNING THE RESCAP BORROWER
CLAIMS TRUST'S OBJECTION TO CLAIM NUMBER 452 FILED BY JULIO
PICHARDO**

On August 4, 2015, the Court entered an Opinion and Order sustaining in part and overruling in part the ResCap Borrower Claims Trust (the "Trust") objection to Claim Number 452 (the "Claim") filed by Julio Pichardo against Debtor GMAC Mortgage, LLC ("GMACM"). (See ECF Doc. # 8971.) The objection to the Claim was overruled to the extent the Claim alleges that Pichardo was forced by duress to enter into a Corrected Agreement with GMACM.

The Opinion and Order directed the parties to meet and confer about resolution of the Claim, and failing settlement of the Claim, to propose a schedule for discovery, if necessary, and for an evidentiary hearing. On September 11, 2015, the Trust's counsel filed a status letter reporting that the parties have been unable to settle the dispute.

On September 21, 2015, Pichardo sent a letter to the Court, with multiple attachments. Because the letter and attachments primarily address health issues concerning Pichardo, the letter has not been filed on the docket. Suffice it to say, the letter reiterates that no settlement has been reached.

Counsel for the Trust is directed promptly to confer with Pichardo about a schedule for future proceedings, including the dates for an evidentiary hearing. Please check with my Courtroom Deputy about possible trial dates. If Pichardo plans to testify, offer evidence in

support of his claim, or cross-examine witnesses testifying on behalf of the Trust, Pichardo must be present in Court during the evidentiary hearing; Pichardo may not testify or cross-examine witnesses by telephone. Scheduling of trial shall have due regard for Pichardo's health issues.

The Trust's counsel shall file a further status report regarding scheduling on or before 5:00 p.m., October 9, 2015. The contested matter shall also be placed first on the Agenda for a status conference on the Residential Capital hearing scheduled for 10:00 a.m., October 15, 2015. Pichardo may participate in the October 15 hearing by telephone.

The Trust's counsel shall serve a copy of this Order on Pichardo.

IT IS SO ORDERED.

Dated: September 21, 2015
New York, New York

Martin Glenn

MARTIN GLENN
United States Bankruptcy Judge